

**TOWN OF ABINGDON
REGULAR COUNCIL MEETING
MONDAY, NOVEMBER 5, 2007 – 7:30 P.M.
COUNCIL CHAMBERS - MUNICIPAL BUILDING**

A regular meeting of the Abingdon Town Council was held on Monday, November 5, 2007 at 7:30 p.m. in the Council chambers of the Municipal Building.

A. ROLL CALL

Members of Council Present:

Mayor Lois H. Humphreys
Mr. Robert M. Howard, Vice Mayor
Dr. French H. Moore, Jr.
Mrs. Cathy Lowe
Mr. Edward B. Morgan

Administrative Staff:

Gregory W. Kelly, Town Manager
Cecile M. Rosenbaum, Town Clerk
Deborah Icenhour, Assistant Town Attorney
Garrett Jackson, Director of Planning
Mark Godbey, Town Treasurer/Dir. Of Finance
Myra Cook, Director of Tourism
John Dew, Director of Public Services/Construction
Tony Sullivan, Chief of Police
Chris Johnson, Director of Parks and Recreation
Tenille Montgomery, Intern
Chrissy Schildroth, Intern

Visitors:

L.B. Atkins, Jeff Noe, Ellen Wagner, Susan Howard, Neal Kilgore, Bill Wasserman, Michelle Holden, Polly Wirt, Charlene Truhlik, Joyce Ferrat, Dexter Peltzer, members of the Introduction to Legal Administration Class at VA Highlands Community College

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mary Ann Rhudy, student at Virginia Highlands Community College.

Mayor Humphreys welcomed everyone in attendance.

At this time Mayor Humphreys recognized Deborah Icenhour, Assistant Town Attorney, who recognized members of the Introduction to Legal Administration class from Virginia Highlands Community College.

Mayor Humphreys recognized L.B. Atkins who introduced Michelle Holden, Interim Director for the Abingdon Redevelopment and Housing Authority and Dexter Peltzer, Interim Director for the Abingdon Senior Center.

C. APPROVAL OF MINUTES

- October 1, 2007 Work Session
- October 1, 2007 Regular Meeting

On motion of Mr. Howard, seconded by Mr. Morgan, the Council approved the minutes of the October 1, 2007 work session and the October 1, 2007 regular meeting.

The roll call vote was:

Mrs. Lowe	Aye
Mr. Morgan	Aye
Dr. Moore	Aye
Mr. Howard	Aye
Mayor Humphreys	Aye

The motion carried.

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At this time, Mayor Humphreys recognized Polly Wirt, former Director of the Abingdon Senior Center. Ms. Wirt appeared before the Council members and thanked them for the support they had shown during her time at Director of the Senior Center. The Council members thanked Ms. Wirt for her years of dedicated service and wished her luck in her retirement.

### **D. PETITIONS AND PUBLIC HEARINGS**

1. **Proposed Amendment** – Setbacks in R-3 District – Article 6, Section 6-4-1, Setback Regulations and Section 6-6-2, Rear Yard Regulations within the R-3 Residential District.

Mayor Humphreys opened the public hearing and asked if any citizens present wished to speak to the matter. Garrett Jackson, Director of Planning advised the Council that the Planning Commission after a public hearing recommended that the setback regulations be approved within the R-3 District. No one else spoke to this matter and Mayor Humphreys closed the public hearing and asked if the Council what their wishes were.

**On motion of Mrs. Lowe, seconded by Mr. Morgan, the proposed amendment for setbacks in R-3 District, Article 6, Section 6-4-1, Setback Regulations and Section 6-6-2, Rear Yard Regulations within the R-3 Residential District be approved on first reading and further that the Ordinance to Repeal, Amend, and Reenact Sections 6-4-1 and 6-6-2 of the Zoning Ordinance, Setbacks in R-3 Residential District be approved as presented in Agenda Item H1, subject to approval after a second reading to be held at the December 3, 2007 Council meeting.**

**The roll call vote was:**

|                        |            |
|------------------------|------------|
| <b>Mrs. Lowe</b>       | <b>Aye</b> |
| <b>Mr. Morgan</b>      | <b>Aye</b> |
| <b>Dr. Moore</b>       | <b>Aye</b> |
| <b>Mr. Howard</b>      | <b>Aye</b> |
| <b>Mayor Humphreys</b> | <b>Aye</b> |

**The motion carried.**

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E. CONSIDERATION OF BIDS---NONE

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#### **F. REPORTS FROM THE TOWN MANAGER**

##### **1. Consideration of Request from Washington County Public Library**

- **Appointment of three (3) representatives to Study Committee for relocation of the Library.**

**On motion of Dr. Moore, seconded by Mr. Howard, the Council approved the appointments of Ed Morgan, Deborah Icenhour and Garrett Jackson to the Washington County Public Library Relocation Committee.**

**The roll call vote was:**

|                        |            |
|------------------------|------------|
| <b>Mrs. Lowe</b>       | <b>Aye</b> |
| <b>Mr. Morgan</b>      | <b>Aye</b> |
| <b>Dr. Moore</b>       | <b>Aye</b> |
| <b>Mr. Howard</b>      | <b>Aye</b> |
| <b>Mayor Humphreys</b> | <b>Aye</b> |

**The motion carried.**

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2. Consideration of Request from Abingdon High School for support of its Marquee Campaign.

Jeff Noe, Principal of Abingdon High School addressed the Council Members and reported on Abingdon High School's request to erect a sign on the east corner of the intersection of East Main Street and Thompson Drive at traffic signal No. 1B.

Mr. Morgan commented that he did not think that the proposed sign as presented in the Council agenda packet was not regulation size according to the sign ordinance. Mr. Noe advised that the smaller regulation is available. Mr. Morgan suggested that Mr. Noe meet again with Town staff and bring the matter back to Council at a later time.

No action was taken on this matter.

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**3. Consideration of three (3) appointments to the Joint Town/County Sports Complex Committee.**

Mr. Kelly, Town Manager, informed the Council that per the Resolution adopted by both the County and the Town, three (3) names need to be submitted to participate on the joint committee.

**On motion of Mr. Morgan, second by Dr. Moore, the Council approved the appointments of Bob Howard, Cathy Lowe, and Eddie Icenhour to the Joint Town/County Sports Complex Committee.**

**The roll call vote was:**

|                   |            |
|-------------------|------------|
| <b>Mrs. Lowe</b>  | <b>Aye</b> |
| <b>Mr. Morgan</b> | <b>Aye</b> |
| <b>Dr. Moore</b>  | <b>Aye</b> |

**Mr. Howard**            **Aye**  
**Mayor Humphreys** **Aye**

**The motion carried.**

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4. Consideration of support for a purchase of rights program in cooperation with Washington County, Virginia, Town of Damascus, Town of Abingdon, Land Trust of Southwest Virginia, and Virginia Outdoors Foundation.

Neal Kilgore, Easement Specialist for the Virginia Outdoors Foundation, appeared before the Council members to request support in a conservation easement campaign along the portion of the Virginia Creeper Trail lying in the Town of Abingdon. Mr. Kilgore reported that a group of students from Emory and Henry College had worked on defining parcels that could be targeted for a conservation easement and introduced Mallory Morefew who spoke briefly about their work on the project.

On motion of Mr. Morgan, seconded by Dr. Moore, the Council directed Town staff to prepare a resolution of support of the efforts of the Virginia Outdoors Foundation in securing open space conservation easements within the Commonwealth of Virginia.

The roll call vote was:

Mrs. Lowe **Aye**
Mr. Morgan **Aye**
Dr. Moore **Aye**
Mr. Howard **Aye**
Mayor Humphreys **Aye**

The motion carried.

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**5. Report on completion of project along the Creeper Trail funded by the Virginia Department of Conservation and Recreation and refund of funds advanced by the Town of Abingdon.**

Link Elmore, President of the Virginia Creeper Trail Club, appeared before the Council members to deliver a performance report on the Virginia Creeper Trail Interpretive/Educational Project. Mr. Elmore highlighted some of the achievements made possible by a \$21,000 start up fund that was loaned to the Club by the Town of Abingdon and now has been consequently reimbursed by the Department of

Conservation and Recreation. Mr. Elmore returned a check to the Town in the amount of \$21,000 for the reimbursement and thanked the Town Council for their support of the project.

No action was taken by Council on this item.

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G. PASSAGE OF RESOLUTIONS – NONE

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#### **H. FIRST READING OF ORDINANCES**

##### **1. Repeal, Amend and Reenact Sections 6-4-1 and 6-6-2 of the Zoning Ordinance – Setbacks in R-3 Residential District.**

This item was voted on by the Council members during the Public Hearing process, Agenda Item D1, therefore no further action was required by Council.

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I. SECOND READING OF ORDINANCES

1. An Ordinance to Repeal, Amend and Reenact the Zoning Map of the Town of Abingdon to Include Tax Parcel Number 13-1-1 in the Old and Historic District.

On motion of Dr. Moore, seconded by Mrs. Lowe, the Ordinance to Repeal, Amend and Reenact the Zoning Map of the Town of Abingdon to include Tax Parcel Number 13-1-1 in the Old and Historic District was approved as presented.

The roll call vote was:

Mrs. Lowe	Aye
Mr. Morgan	Aye
Dr. Moore	Aye
Mr. Howard	Aye
Mayor Humphreys	Aye

The motion carried.

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## **J. MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

### **1. Appointments**

#### **Tourism Advisory Board (3)**

**On motion of Mr. Howard, seconded by Mrs. Lowe, Betty Ringley and Michael Johnson were appointed to serve three (3) year terms, commencing on November 5, 2007 and expiring on November 5, 2010 on the Tourism Advisory Board and postponed the third appointment until the December Council meeting.**

**The roll call vote was:**

|                        |            |
|------------------------|------------|
| <b>Mrs. Lowe</b>       | <b>Aye</b> |
| <b>Mr. Morgan</b>      | <b>Aye</b> |
| <b>Dr. Moore</b>       | <b>Aye</b> |
| <b>Mr. Howard</b>      | <b>Aye</b> |
| <b>Mayor Humphreys</b> | <b>Aye</b> |

**The motion carried.**

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Redevelopment and Housing Authority Board (2)

On motion of Mr. Morgan, seconded by Mrs. Lowe, the Council reappointed Carolyn Lee and Marcie Barnes to the Redevelopment and Housing Authority Board and whose terms will commence on November 5, 2007 and expire on November 5, 2011.

The roll call vote was:

Mrs. Lowe	Aye
Mr. Morgan	Aye
Dr. Moore	Aye
Mr. Howard	Aye
Mayor Humphreys	Aye

The motion carried.

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## **K. OLD BUSINESS**

No old business was addressed by the Council members.

## **L. COUNCIL MEMBER REPORTS**

Mr. Morgan reminded everyone that the next day was Election Day and encouraged citizens to go out and vote. He also mentioned the special TV presentation that highlighted Appalachian Sustainable Development.

Dr. Moore recognized the hard work by Town staff, the Police and the Fire Department during the Sleepy Hollow Festival.

Mayor Humphreys commented that she and Mr. Morgan had attended the Open House at the Elder Spirit Center and reminded everyone of the Veterans Memorial Park Ceremony scheduled for Sunday, November 11, 2007 at 2:00 p.m.

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At this time, on Motion of Mrs. Lowe, seconded by Mr. Morgan, and pursuant to Section 2.2-3711(A)(2) of the Code of the Virginia, 1950, as amended, the Council went into closed session for consideration of the acquisition of real property for a public purpose, namely a joint Town/County sports complex.

The roll call vote was:

Mrs. Lowe	Aye
Mr. Morgan	Aye
Dr. Moore	Aye
Mr. Howard	Aye
Mayor Humphreys	Aye

The motion carried.

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**On motion of Mr. Morgan, seconded by Mrs. Lowe, the Council reconvened in regular session.**

**The roll call vote was:**

|                   |            |
|-------------------|------------|
| <b>Mrs. Lowe</b>  | <b>Aye</b> |
| <b>Mr. Morgan</b> | <b>Aye</b> |



**Dr. Moore**                    **Aye**  
**Mr. Howard**                **Aye**  
**Mayor Humphreys**   **Aye**

**The motion carried.**

The following certification was adopted:

***WHEREAS**, the Council of the Town of Abingdon, Virginia has convened in a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions set forth in the Virginia Freedom of Information Act; and*

***WHEREAS**, Sec. 2.2-3712(D) of the Code of Virginia, 1950, as amended, requires a certification by the Town Council that such closed meeting was conducted in conformity with Virginia law; and*

***NOW THEREFORE**, be it resolved, that the Council of the Town of Abingdon, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from an open meeting requirement by Virginia law were discussed in closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.*

**The certification was as follows:**

**Mrs. Lowe**                    **I so certify**  
**Mr. Morgan**                **I so certify**  
**Dr. Moore**                   **I so certify**  
**Mr. Howard**                **I so certify**  
**Mayor Humphreys**   **I so certify**

**At this time, on Motion of Dr. Moore and seconded by Mr. Morgan, the Council agreed to authorize Gregory W. Kelly, Town Manager, to enter into a joint contract with Washington County, Virginia for the purchase of 51.33 acres for a purchase price of \$2,373,400.00 from Clifton Stewart Rentals, LLC with the Town's percentage of the purchase price to be determined at a later date.**

**The roll call vote was:**

**Mrs. Lowe**                    **Aye**  
**Mr. Morgan**                **Aye**  
**Dr. Moore**                   **Aye**  
**Mr. Howard**                **Aye**  
**Mayor Humphreys**   **Aye**

**The motion carried.**

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Mayor Humphreys commented on the Fairview Project and the status of the Master Plan for the site.

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**On motion of Mr. Howard, seconded by Mrs. Lowe, the Council was adjourned.**

**The roll call vote was:**

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|------------------------|------------|
| <b>Mrs. Lowe</b>       | <b>Aye</b> |
| <b>Mr. Morgan</b>      | <b>Aye</b> |
| <b>Dr. Moore</b>       | <b>Aye</b> |
| <b>Mr. Howard</b>      | <b>Aye</b> |
| <b>Mayor Humphreys</b> | <b>Aye</b> |

**The motion carried.**

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Lois H. Humphreys, Mayor

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Cecile M. Rosenbaum, Town Clerk